

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,

Plaintiff,

v.

CALIFORNIA HEALTHCARE
RECEIVERSHIP CORP., et al.,

Defendants.

No. 1:20-cv-01288-AWI-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR A TEMPORARY
RESTRAINING ORDER

(Docs. 3, 15)

Plaintiff Diontae Johan Duncan is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 14, 2020, the assigned magistrate judge issued findings and recommendations, recommending that Plaintiff's motion for a temporary restraining order (Doc. 3) be denied. (Doc. 15.) The magistrate judge found that Plaintiff fails to show that he will suffer irreparable harm without the requested relief, and that the requested relief is not narrowly tailored. (*Id.* at 2). The findings and recommendations were served on Plaintiff and provided him 14 days to file objections thereto. (*Id.* at 3.)

Plaintiff filed objections on October 26, 2020. (Doc. 17.) In his objections, Plaintiff does not dispute the magistrate judge's findings, "but request[s] to leave without prejudice for future

1 ‘unpredictable situational’ scenarios.” (*Id.* at 1.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff’s
4 objections, the Court finds the findings and recommendations to be supported by the record and
5 proper analysis.

6 Accordingly, the Court ORDERS:

- 7 1. The findings and recommendations issued on October 14, 2020 (Doc. 15) are
8 ADOPTED in full; and,
9 2. Plaintiff’s motion for a temporary restraining order (Doc. 3) is DENIED.

10 IT IS SO ORDERED.

11 Dated: December 3, 2020

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13 SENIOR DISTRICT JUDGE
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